

REMARKS

The Office Action dated October 19, 2009, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1-34 are rejected. Claims 1 and 3-33 are amended, claims 2 and 34 are canceled, and claim 35 is new. Thus, claims 1, 3-33, and 35 are pending in this application. Support for the amendments may be found in the specification as originally filed. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of the rejections.

Objections

Claims 3-9 are objected to for informalities. Claims 3-9 are amended as suggested in the Office Action. Accordingly, the Applicants respectfully request withdrawal of the objection to claims 3-9.

Claim Rejections – 35 U.S.C. §112/§ 101

Claims 1-34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 34 is rejected under 35 U.S.C. §101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

Claims 1 and 3-33 are amended in a manner believed to be fully responsive to the rejections. Claims 2 and 34 are canceled. Applicants respectfully request withdrawal of the §112 rejection of claims 1 and 3-33.

Claim Rejections – 35 U.S.C. §102/§103

Claims 1-4, 7, 8, and 32-34 are rejected under 35 U.S.C. §102(b) as being anticipated by Sarama et al. (WO 01/54686, hereinafter “Sarama”); claims 5, 6, 9, 11, 12, 20-23, and 29-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sarama; claims 10, 13-18, and 26-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sarama in view of Yoon et al. (WO 02/28204, hereinafter “Yoon”); and claims 19, 24, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sarama in view of Vulpson et al. (WO 00/41491, hereinafter “Vulpson”). Applicants respectfully traverse the rejections.

Claim 1 recites an edible product comprising a sweetening agent for masking a bitter, sour and/or astringent taste of the edible product, said product additionally comprising a plant sterol ester *in an amount effective to reduce the amount of sweetening agent used to mask the bitter, sour, and/or astringent taste of the edible product in comparison to a comparable edible product which does not comprise the plant sterol ester*, wherein the amount of plant sterol ester is from 0.2 to 25% by weight. Claims 3-9 depend from claim 1. Independent claims 10-33 each recite a similar feature to claim 1. Claim 34 is canceled.

Applicants respectfully submit that Sarama does not teach or suggest each and every feature recited by claim 1. Sarama discloses compositions comprising a

combination of L-arginine and a sterol, stanol, esters thereof, or polyol fatty acid polyester. Sarama discloses that the sterol component “diminishes and/or removes the unacceptable flavor associated with the L-arginine.” See page 2, paragraph 3. Applicants submit, however, that Sarama does not disclose the aspect of reducing the amount of sweetener in the edible product in comparison to a comparable edible product which does not comprise the plant sterol ester. Rather, Sarama discloses that the combined plant sterol ester and L-arginine is added directly to finished edible products without any change to the edible product. See page 20, paragraph 4.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited in a rejected claim must be disclosed by the applied art. For at least the reasons provided above, Applicants submit that Sarama does not disclose or suggest each and every feature recited by pending claims 1. Accordingly, Sarama does not anticipate, nor render obvious, the subject matter recited by claim 1. Therefore, Applicants respectfully submit independent claim 1 should be deemed allowable over Sarama. Similarly, independent claims 10-33 should be allowable for reciting a similar feature to claim 1.

Yoon is cited merely for teaching adding plant sterols to various edible products including water, juice, coffee, tea, milk, soy milk, and grain. Thus, Yoon does not cure the above described deficiency of Sarama. Vulpson is cited merely for teaching adding plant sterols to fermented milk products such as yoghurt. Thus, Vulpson does not cure the above described deficiency of Sarama.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 4, 7, 8, and 32-33 under 35 U.S.C. §102(b) over Sarama, the rejection of claims 5, 6, 9, 11, 12, 20-23, and 29-31 under 35

U.S.C. §103(a) over Sarama, the rejection of claims 10, 13-18, and 26-28 under 35 U.S.C. §103(a) over Sarama in view of Yoon, and the rejection of claims 19, 24, and 25 under 35 U.S.C. §103(a) over Sarama in view of Vulpson.

Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 019075-00072.

Respectfully submitted,



Seth Barney
Registration Number 61,187

Customer Number 004372
AREN'T FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

SB:vmh